

Regulatory Amendment 34

Designation of Special Management Zones (SMZ) in North and South Carolina

Summary Document for Snapper Grouper Advisory Panel

October 2019

Background

In March 2019, the North Carolina Division of Marine Fisheries and the South Carolina Marine Resources Division requested that the Council designate artificial reef sites in federal waters off those states as special management zones (SMZ). Regulatory Amendment 8 to the Fishery Management Plan (FMP) for the Snapper Grouper Fishery of the South Atlantic Region (SAFMC 2000) was the last amendment to the FMP to address SMZ designation. That framework amendment established new and expanded existing SMZs off Georgia. In June 2019, the Council directed staff to begin development of an amendment to address the states' requests.

The process to designate SMZs around artificial reefs (permitted through the Army Corps of Engineers) was established in the Snapper Grouper FMP in 1983 (**Appendix A**) with the main intent being to *create incentive to create artificial reefs and fish attraction devices that will increase biological production and/or create fishing opportunities that would not otherwise exist*. As described in the FMP, a monitoring team, comprised of staffs from the South Atlantic Council, the National Marine Fisheries Southeast Regional Office (SERO), and the Southeast Fisheries Science Center (SEFSC) is charged with evaluating each request based on the following criteria: (1) fairness and equity; (2) promoting conservation; (3) excessive shares; (4) ensure SMZs are consistent with the objectives of the FMP, the Magnuson Act and other

applicable law; (5) consider the natural bottom in and around surrounding potential SMZs and impacts on historical uses; and (6) cumulative impacts.

At their September 2019 meeting, the Council approved inclusion of Actions 1 and 2 in Regulatory Amendment 34 and selected Alternative 2 under Action 2 as preferred. In addition, the Council stated that development of a System Management Plan would not be necessary since the states are responsible for monitoring and enforcement of artificial reefs.

Proposed management changes in this framework amendment

- Establish 30 SMZs at artificial reef sites off North Carolina. Within the SMZs, prohibit the use of fishing gear that could result in exploitation of the resource and limit harvest of snapper grouper species by spear to the appropriate recreational bag limit.
- Establish four SMZs at artificial reef sites off South Carolina. Within the SMZs, prohibit the use of fishing gear that could result in exploitation of the resource and restrict harvest of snapper grouper species to the appropriate recreational bag limit.

Expected framework amendment timing

June 2019	Provided guidance to begin work on a framework amendment
September 2019	Reviewed options and approve for scoping
Fall 2019	Conduct scoping hearings
January 2020 (webinar)	Review public comment and provide guidance
March 2020	Review, modify as appropriate, and approve for public hearings
Spring 2020	Conduct public hearings
June 2020	Consider public input, modify as appropriate, and approve for formal review

Proposed Actions and Alternatives

Action 1. Establish Special Management Zones in the Exclusive Economic Zone off North Carolina

Alternative 1 (No Action). There are currently no special management zones in the exclusive economic zone off North Carolina at permitted artificial reef sites. Do not establish new special management zones in the exclusive economic zone off North Carolina at permitted artificial reef sites. The allowable gear for the snapper grouper fishery management plan for the commercial and recreational sectors are handline, rod and reel, spear, bandit gear, powerhead, pot, and longline (the last two are commercial sector only). Do not implement new restrictions on fishing gear used to harvest snapper grouper species on designated artificial reefs in federal waters off North Carolina.

Alternative 2. Establish 30 special management zones at state permitted artificial reef sites in the exclusive economic zone off North Carolina (**Table 1 and Figures 1-3**). Within the special management zones, harvest of snapper grouper species would be allowed with handline, rod and reel, and spear. All harvest by spear would be limited to the applicable recreational bag limit.

Discussion:

The NCDMF requested designation of 30 artificial reef sites in the EEZ off North Carolina as SMZs (attached). The sites were originally created through the Army Corps of Engineers permitting process. NCDMF requested fishing be allowed in the SMZs using handline, rod and reel, and spear. Further, NCDMF requested that harvest of snapper grouper species with spearfishing gear would be limited to the recreational bag limit. NCDMF's rationale for the proposed restrictions is to *increase opportunities for anglers by reducing the potential impact restricted gears can have on the relative abundance of snapper and grouper species. By limiting allowable gears to handline, rod and reel, and spearfishing gear, fishery removals will be moderated and allow for greater access by anglers if increasing effort occurs. Additionally, limiting spearfishing gear to the lower recreational limits of snapper grouper species may mitigate some of the biological concerns for the resource that arise when species with complex social life histories are selectively harvested. Numerous snapper and grouper species have reproductive strategies that include complex social structures predicated on large individuals.*

Action 2. Establish Additional Special Management Zones in the Exclusive Economic Zone off South Carolina

Option 1 (No Action). There are currently 29 special management zones at permitted artificial reef sites in the exclusive economic zone off South Carolina. Do not establish additional special management zones in the exclusive economic zone off South Carolina at permitted artificial reef sites. Allowable gear within the special management zones includes handline, rod and reel, and spear (without powerheads), and all harvest of snapper grouper species is limited to the recreational bag limit. Do not implement new restrictions on fishing gear used to harvest snapper grouper species on designated artificial reefs in federal waters off South Carolina.

Preferred Alternative 2. Establish four additional Special Management Zones at permitted artificial reef sites in the exclusive economic zone off South Carolina (**Table 2 and Figures 4-5**). Within the special management zones, harvest of snapper grouper species would only be allowed with handline, rod and reel, and spear and harvest would be limited to the applicable recreational bag limit.

Discussion:

Twenty-nine artificial reef sites in the EEZ off South Carolina have been designated as SMZs. Four additional artificial reef sites have been established in recent years, and the SCMRD requested the sites be designated as SMZs with the same restrictions on fishing gear as existing SMZs off South Carolina (attached). SCMRD requested limiting angling activities to handheld hook-and-line gear and spearfishing gear (excluding powerheads). In addition, SCMRD requested that the use of fish traps, longlines, gill nets, and trawls be prohibited, and harvest of snapper grouper species be limited to the federal recreational bag limits.

Note: Regulatory Amendment 29, if implemented, would allow use of powerheads to harvest snapper grouper species in federal waters off South Carolina. However, use of powerhead gear would continue to be prohibited within the SMZs.

Table 1. North Carolina artificial reefs proposed as special management zones based on permitted locations including centroids and radius (Source: NC DMF August 2019).

Reef Name	Centroid Latitude DDM	Centroid Longitude DDM	Radius (ft)
AR-130	36° 0.192' N	75° 31.800' W	1,500
AR-140	35° 56.740' N	75° 31.781' W	1,500
AR-145	35° 54.017' N	75° 23.883' W	1,500
AR-220	35° 8.117' N	75° 40.633' W	3,000
AR-225	35° 6.768' N	75° 39.322' W	1,500
AR-230	35° 6.133' N	75° 42.933' W	1,500
AR-250	34° 56.900' N	75° 54.860' W	1,500
AR-255	34° 55.483' N	75° 57.910' W	1,500
AR-285	34° 33.383' N	76° 26.350' W	1,500
AR-300	34° 18.517' N	76° 24.133' W	1,500
AR-302	34° 10.265' N	76° 13.703' W	1,500
AR-305	34° 16.683' N	76° 38.650' W	3,000
AR-330	34° 33.634' N	76° 51.267' W	1,500
AR-340	34° 34.319' N	76° 58.345' W	1,500
AR-345	34° 32.300' N	76° 58.467' W	1,500
AR-355	34° 21.183' N	77° 20.000' W	1,500
AR-362	34° 15.717' N	77° 30.420' W	1,500
AR-366	34° 12.950' N	77° 25.250' W	1,500
AR-368	34° 9.567' N	77° 25.833' W	1,500
AR-372	34° 6.273' N	77° 44.914' W	1,500
AR-376	34° 3.283' N	77° 39.633' W	1,500
AR-382	33° 58.581' N	77° 41.172' W	1,500
AR-386	33° 57.517' N	77° 33.400' W	1,500
AR-400	33° 29.302' N	77° 35.262' W	1,500
AR-420	33° 51.050' N	78° 6.710' W	1,500
AR-440	33° 49.800' N	78° 13.083' W	1,500
AR-445	33° 44.783' N	78° 14.100' W	1,500
AR-455	33° 47.033' N	78° 17.883' W	1,500
AR-460	33° 50.089' N	78° 22.022' W	1,500
AR-465	33° 23.423' N	78° 11.052' W	1,500

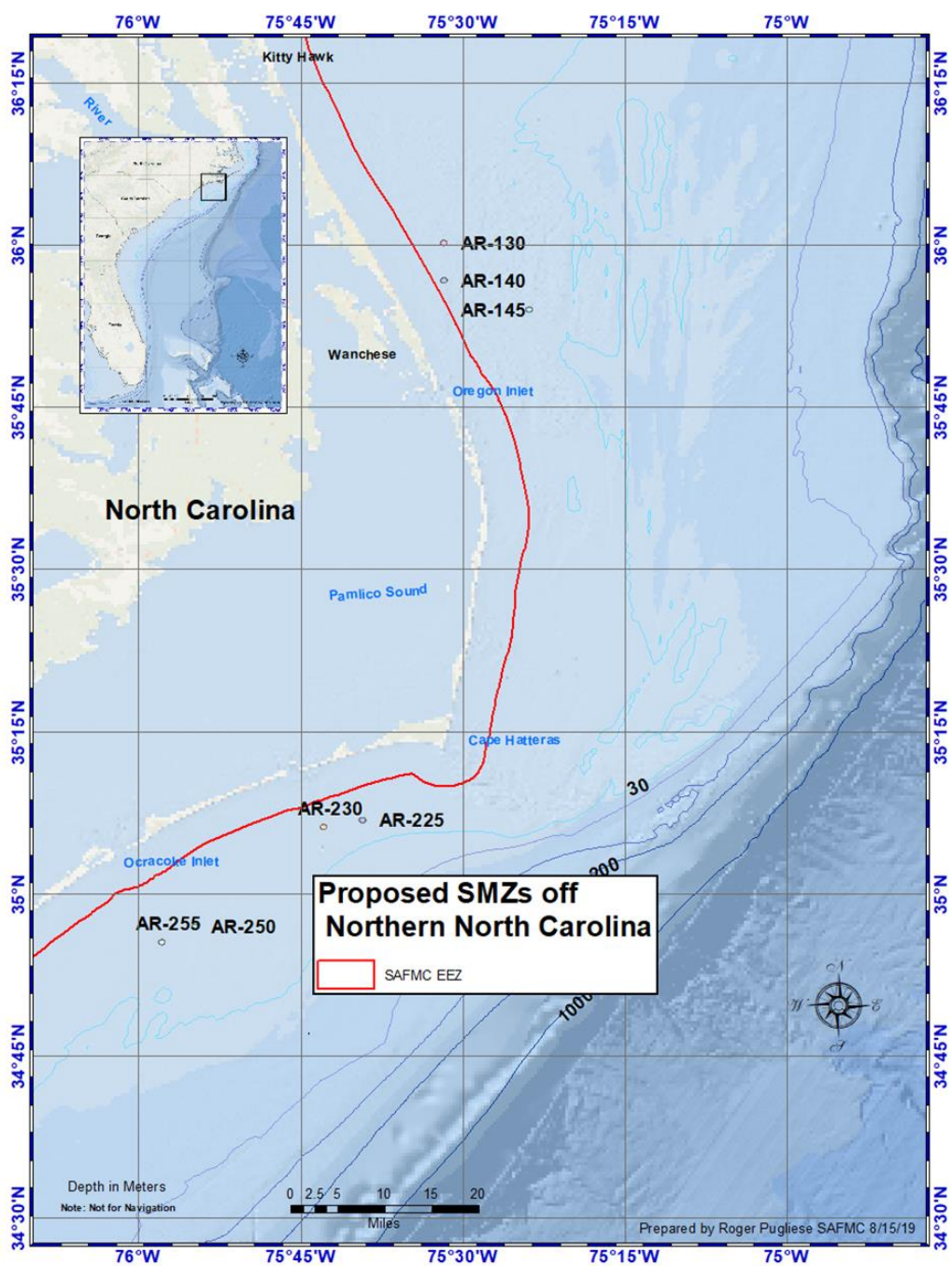


Figure 1. Proposed Special Management Zones at permitted artificial reefs sites in the exclusive economic zone off northern North Carolina.

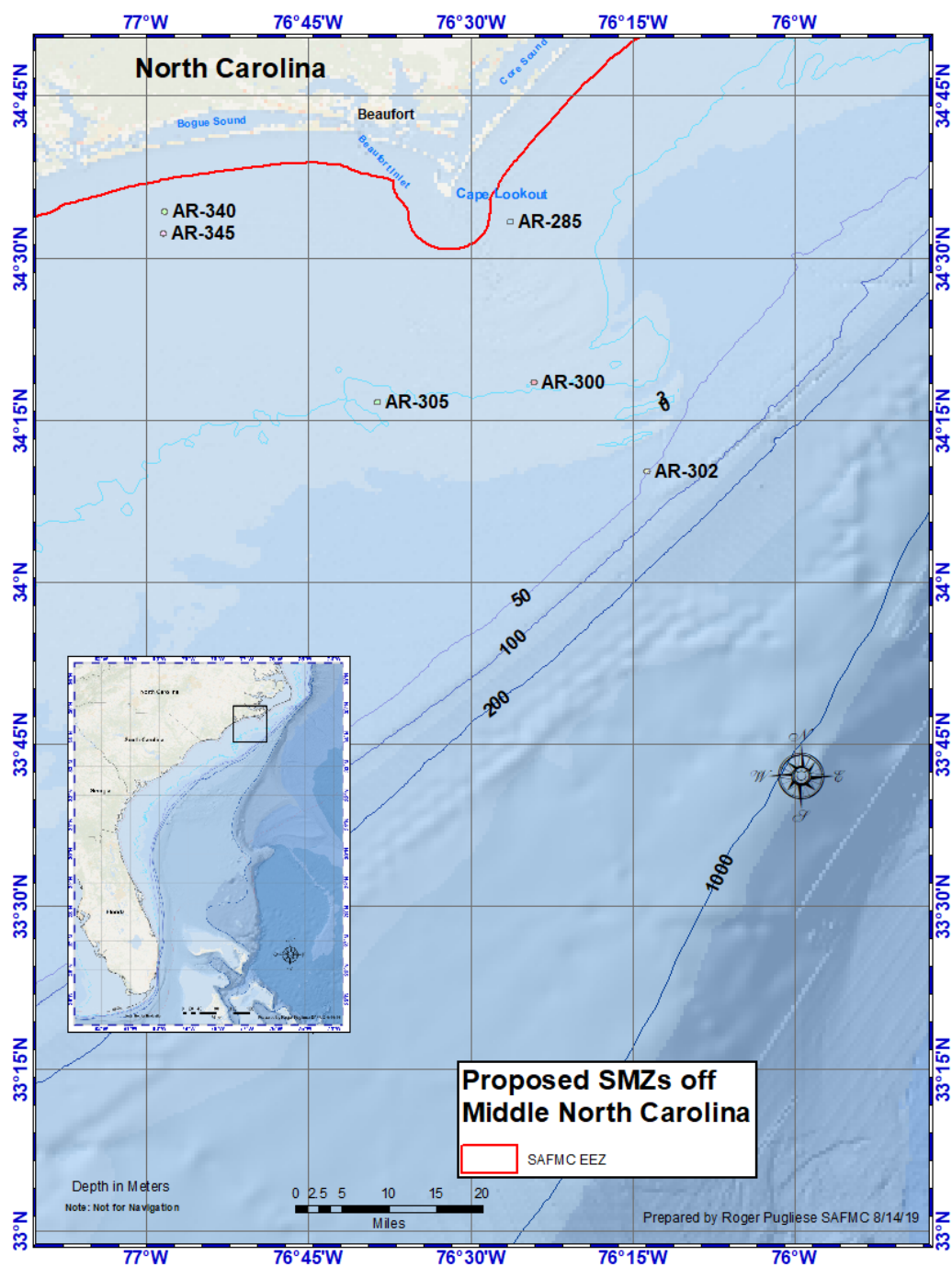


Figure 2. Proposed Special Management Zones at permitted artificial reefs sites in the exclusive economic zone off central North Carolina.

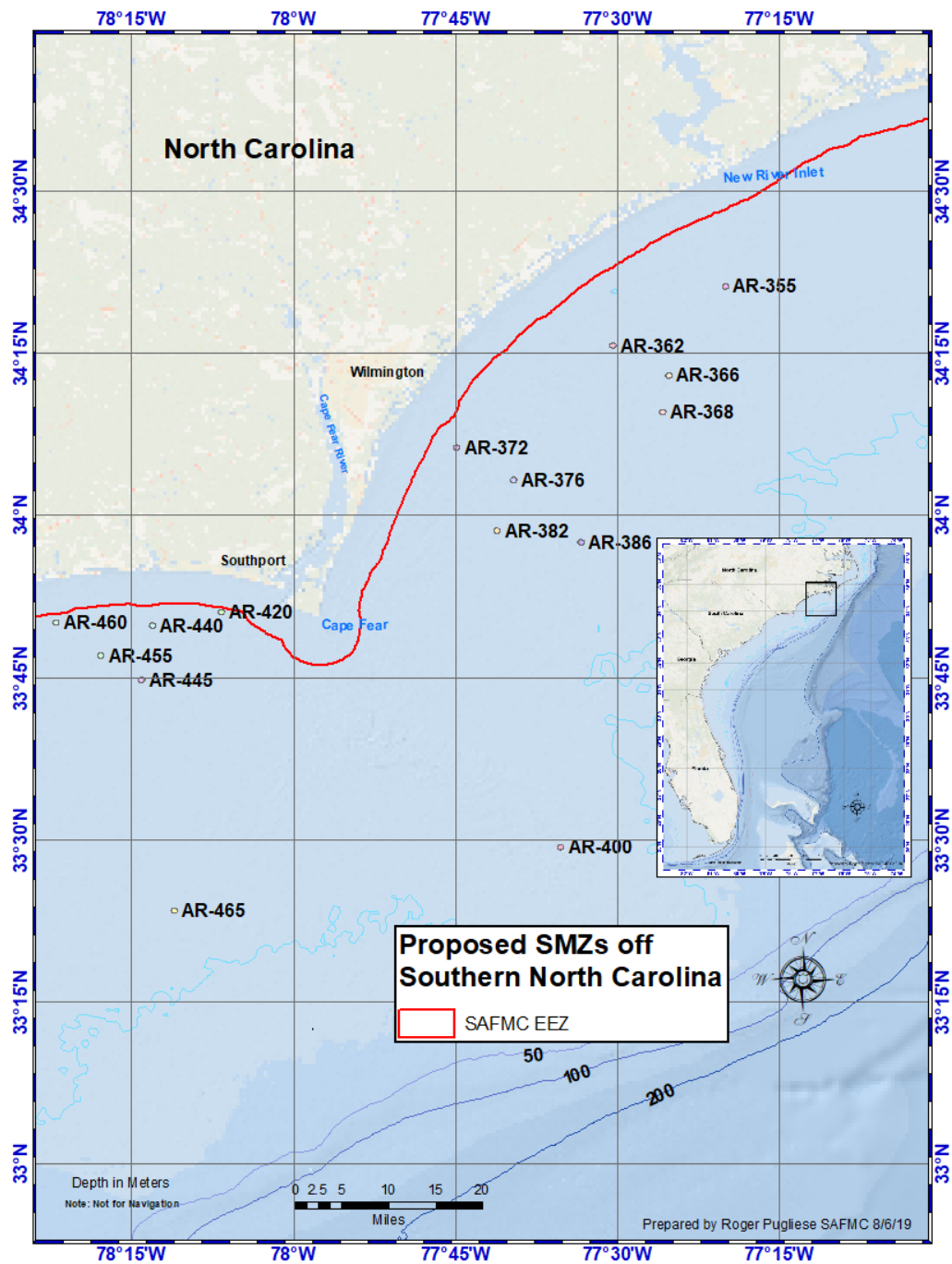


Figure 3. Proposed Special Management Zones at permitted artificial reefs sites in the exclusive economic zone off southern North Carolina.

Table 2. South Carolina artificial reefs proposed as special management zones based on permitted locations including three with centroids and radius and one with corner coordinates in Degrees Decimal Minutes (Source: SCDNR August 2019).

Reef Name	Centroid Latitude DDM	Centroid Longitude DDM	Radius (yards)
PA-07- Pop Nash Reef	33° 34.510' N	78° 51.000' W	200
PA-28- Lowcountry Anglers Reef	32° 34.300' N	79° 55.100' W	200
PA-34- CCA-McClellanville Reef	32° 51.800' N	79° 22.500' W	200

Reef Name	Corner	Latitude	Longitude
PA-04 - Ron McManus Memorial Reef	NW	33° 46.400' N	78° 36.200' W
	SW	33° 45.900' N	78° 36.200' W
	NE	33° 46.400' N	78° 35.600' W
	SE	33° 45.900' N	78° 35.600' W

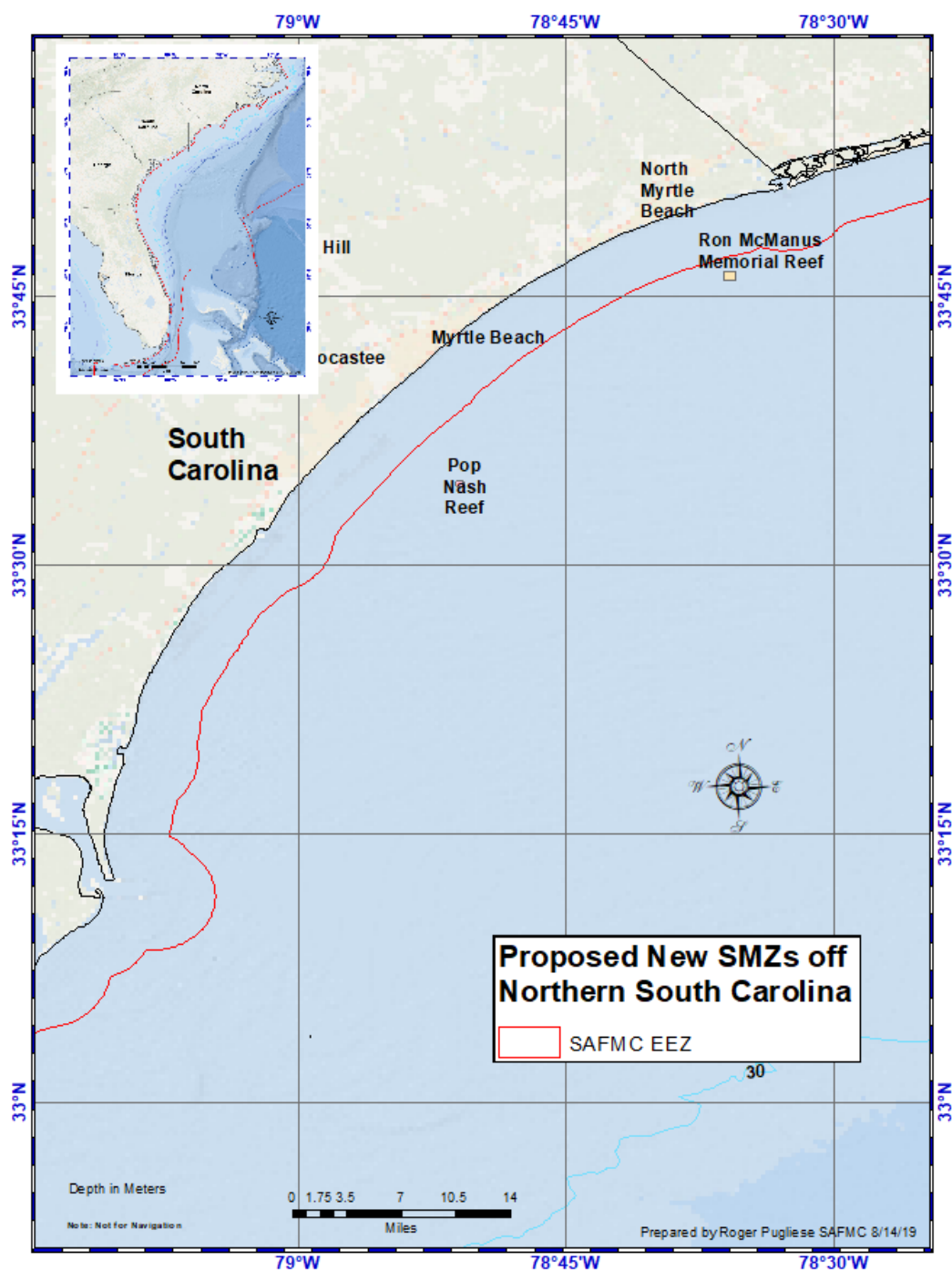


Figure 4. Proposed Special Management Zones at permitted artificial reefs sites in the exclusive economic zone off northern South Carolina.

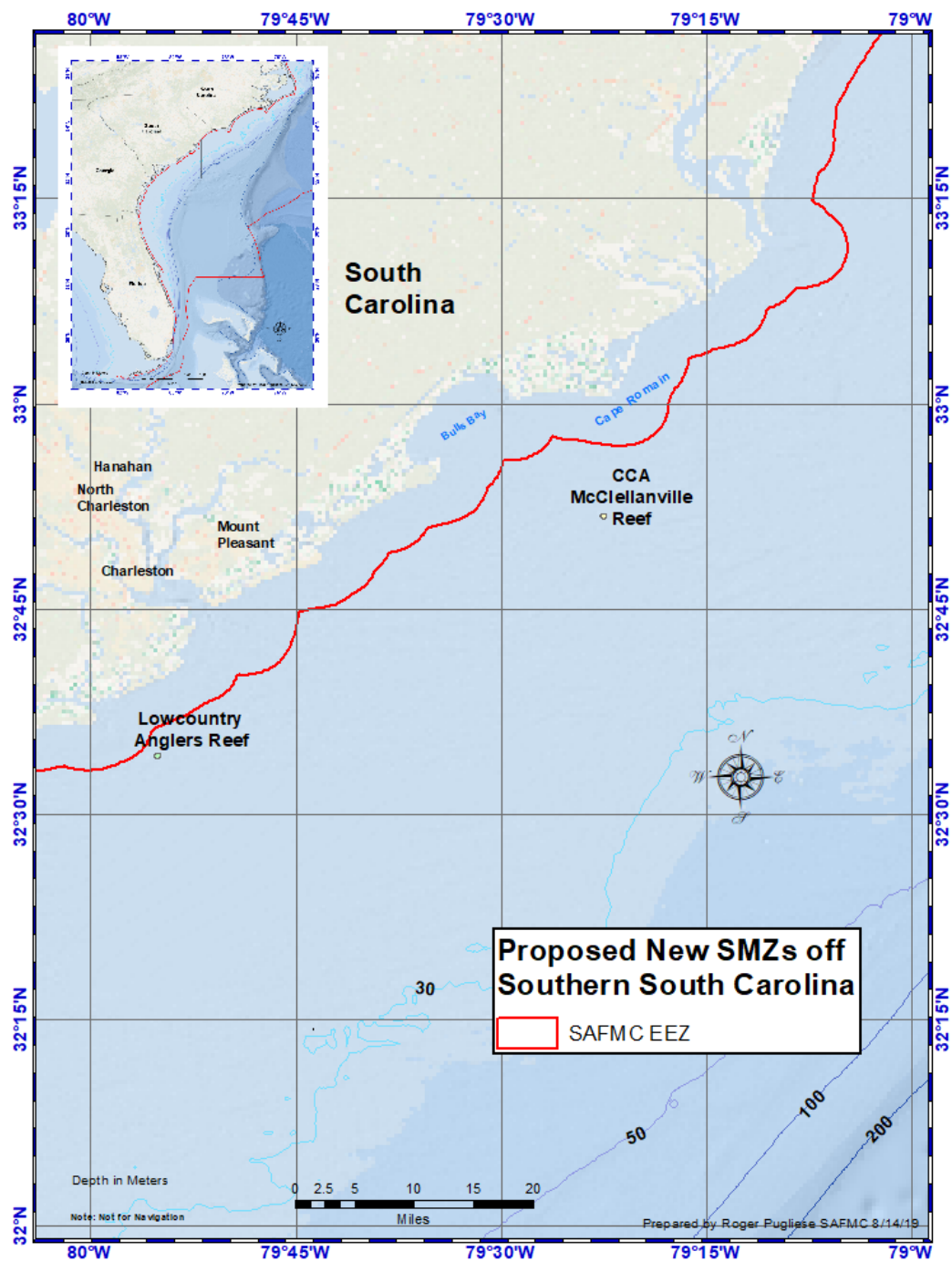


Figure 5. Proposed Special Management Zones at permitted artificial reefs sites in the exclusive economic zone off southern South Carolina.

Table 3. Area and Percent of EEZ off North Carolina of artificial reefs proposed as SMZs.

NC Proposed SMZ	Area (Square Miles)	% of EEZ off NC
AR-130	0.24	0.001%
AR-140	0.24	0.001%
AR-145	0.24	0.001%
AR-220	1.01	0.004%
AR-225	0.24	0.001%
AR-230	0.24	0.001%
AR-250	0.24	0.001%
AR-255	0.24	0.001%
AR-285	0.24	0.001%
AR-300	0.24	0.001%
AR-302	0.24	0.001%
AR-305	1.01	0.004%
AR-330	0.24	0.001%
AR-340	0.24	0.001%
AR-345	0.24	0.001%
AR-355	0.24	0.001%
AR-362	0.24	0.001%
AR-366	0.24	0.001%
AR-368	0.24	0.001%
AR-372	0.24	0.001%
AR-376	0.24	0.001%
AR-382	0.24	0.001%
AR-386	0.24	0.001%
AR-400	0.24	0.001%
AR-420	0.24	0.001%
AR-440	0.24	0.001%
AR-445	0.24	0.001%
AR-455	0.24	0.001%
AR-460	0.24	0.001%
AR-465	0.24	0.001%
Total	8.62	0.032%

Table Z. Area and Percent of EEZ off South Carolina present SMZs and artificial reefs proposed as new SMZs.

SC SMZ	Area (Square Miles)	% of EEZ off SC
Little River Offshore Reef	0.77	0.003%
Paradise Reef	1.55	0.006%
Ten Mile Reef	3.87	0.014%
Pawleys Island Reef	0.86	0.003%
Bill Perry Jr. Reef	1.22	0.005%
BP-25 Reef	0.89	0.003%
North Inlet 45 Foot Reef	1.33	0.005%
Murrel's Inlet 60 Foot Reef	1.45	0.005%
Georgetown Reef	1.40	0.005%
Georgetown 95 Foot Reef	1.70	0.006%
New Georgetown 60 Foot Reef	2.50	0.009%
CJ Davidson Reef	1.24	0.005%
Cape Romaine Reef	0.34	0.001%
Vermilion Reef	0.44	0.002%
Greenville Reef	1.11	0.004%
Capers Reef	2.21	0.008%
Charleston 60 Foot Reef	1.34	0.005%
Y-73 Reef	0.34	0.001%
Kiawah Reef	3.34	0.012%
Comanche Reef	0.45	0.002%
Edisto 40 Foot Reef	1.21	0.005%
Edisto 60 Foot Reef	1.79	0.007%
Fripp Island Reef	1.68	0.006%
Edisto Offshore Reef	1.88	0.007%
Hunting Island Reef	2.82	0.011%
Beaufort 45 Foot Reef	1.12	0.004%
Betsy Ross Reef	0.75	0.003%
Eagles Nest Reef	0.37	0.001%
Hilton Head Reef/Artificial Reef-T	1.65	0.006%
Total Area	41.61	0.155%
Proposed New SMZs		0.000%
Pop Nash Reef	0.41	0.002%
Lowcountry Anglers Reef	0.41	0.002%
CCA- McClellanville Reef	0.41	0.002%
Ron McManus Memorial Reef	0.33	0.001%
Total Area	1.55	0.006%

Appendix A. Management Measure #17: Prohibition or Restraint of Specific Fishing Gear From Artificial Reefs

Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region, 1983

Upon request to the Council from the permittee (possessor of a Corps of Engineers permit) for any artificial reef or fish attraction device (or other modification of habitat for the purpose of fishing), the modified area and an appropriate surrounding area may be designated as a Special Management Zone that prohibits or restrains the use of specific types of fishing gear that are not compatible with the intent of the permittee for the artificial reef or fish attraction device. This will be done by regulatory amendment similar to adding or changing minimum sizes (Section 10.2.3).

- 1. A monitoring team* will evaluate the request in the form of a written report considering the following criteria:
 - a. fairness and equity*
 - b. promote conservation*
 - c. excessive shares**
- 2. At the request of the Steering Committee, the Council Chairman may schedule meetings of the Advisory Panel (AP) and/or Scientific and Statistical Committee (SSC) to review the report and associated documents and to advise the Council. The Council Chairman may also schedule public hearings.*
- 3. The Council, following review of the Team's report, supporting data, public comments, and other relevant information, may recommend to the Southeast Regional Director of the National Marine Fisheries Service (RD) that a SMZ be approved. Such a recommendation would be accompanied by all relevant background data.*
- 4. The RD will review the Council's recommendation, and if he concurs with the recommendation, will propose regulations in accordance with the recommendations. He may also reject the recommendation, providing written reasons for rejection.*
- 5. If the RD concurs with the Council's recommendations, he shall publish proposed regulations in the Federal Register and shall afford a reasonable period for public comment which is consistent with the urgency of the need to implement the management measure(s).*

Impact and rationale

The intent of a SMZ is to create incentive to create artificial reefs and fish attraction devices that will increase biological production and/or create fishing opportunities that would not otherwise exist. The drawback to "investing" in artificial reefs or fish attraction devices is that they are costly and have limited advantages that can be rapidly dissipated by certain types of fishing gear (e.g. traps harvesting black sea bass from artificial reefs). Fishing gear that offers "exceptional advantages" over other gear to the point of eliminating the incentive for artificial reefs and fish attraction devices for users with other types of fishing gear prevent improved fishing opportunities that would not otherwise exist.

**Monitoring team – The Team will be comprised of members of Council staff, Fishery Operations Branch (Southeast Region, NMFS), and the NMFS Southeast Fisheries Center.*

Appendix B.